

Application Serial No. 09/628,265

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Date December 8, 2003

Reply to Office Action dated September 24, 2003

REMARKS

In the Office Action dated September 24, 2003, claims 1-3 continue to be rejected under 35 U.S.C. §102(e). Claims 4-7 are allowed.

For the following reasons, it is respectfully submitted that Applicants have presented sufficient evidence of prior inventorship to remove the cited reference to Weber. Reconsideration is, therefore, respectfully requested.

In the "Final" Office Action, claims 1-3 are rejected under 35 U.S.C. §102(e) as being anticipated by Weber. Applicants' previously presented a Declaration under 37 C.F.R. 1.131 to show prior invention. The Examiner rejected Applicants' Declaration on the grounds that it is improper since the Applicants have failed to provide adequate proof of prior inventorship. Applicants' traverse this rejection.

Applicants submit a new Declaration under 37 C.F.R. 1.131 which establishes completion of the invention in the United States at a date prior to the March 16, 2000 effective date of the cited prior art U.S. Patent No. 6,384,557 to Weber that was cited by the Examiner in the Office Action.

The attached sketches and blueprints are submitted as evidence to establish the date of completion of the invention of this application. From these documents, it can be seen that the invention in this application was made at least by the date of March 15, 2000 which is a date earlier than the effective date of the cited reference.

The attached Declaration also establishes diligence of the Applicants, from the time of their conception, to a time just prior to the date of the reference, and up to the actual reduction to practice and the filing of this application.

This Declaration is submitted after a final rejection, but with the following showing under 37 C.F.R. 1.116(b) warranting consideration and entry of the new 131 Declaration.

Entry of this Amendment and Declaration is submitted to be warranted as it is Applicants' first opportunity to address a rejection raised by the Examiner for the first time in the "Final" Office Action finding Applicants' prior Declaration under

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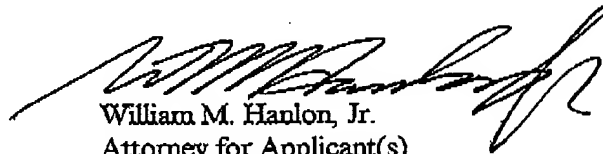
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37 C.F.R. 1.131 to be unpersuasive. Applicants have revised the prior Declaration to include verification of the dates of invention and have supplied sketches and drawings as evidence of such dates. Such sketches and drawings inadvertently may not have accompanied the prior Declaration. Further, it is submitted that this Amendment and Declaration overcomes the rejection that by placing claims 1-3 in condition for allowance or, at a minimum, in better condition for purposes of appeal.

Accordingly, entry and consideration of this Amendment and Declaration is submitted to be warranted and is respectfully requested.

Respectfully submitted,

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